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11  
12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 Brayden STARK, Judd  
16 OOSTYEN, Kevin BLACK, and  
17 Maryann OWENS, individually  
and on behalf of all others  
similarly situated,

18 Plaintiffs,

19 v.

20 PATREON, INC.,

21 Defendant.

**No. 3:22-cv-03131-JCS**

**DECLARATION OF LESLIE  
COOPER VIGEN**

22 I, Leslie Cooper Vigen, hereby declare:

23  
24 1. I am a Trial Attorney with the U.S. Department of Justice, Civil  
25 Division, Federal Programs Branch and counsel for the United States. I submit  
26 this declaration in support of the United States of America's Acknowledgment of  
27 Constitutional Challenge and Stipulated Request to Enlarge Time to Intervene.  
28

1           2.     I have personal knowledge of the contents of this declaration, and I  
2 could and would testify competently thereto if called upon to do so.

3           3.     On August 6, 2022, Defendant filed a Notice of Constitutional  
4 Question pursuant to Federal Rule of Civil Procedure 5.1 and Civil L.R. 3-8. *See*  
5 ECF No. 24.

6           4.     The United States is authorized to intervene in any federal court  
7 action in which the constitutionality of an Act of Congress is drawn into question.  
8 28 U.S.C. § 2403(a).

9           5.     Pursuant to Federal Rule of Civil Procedure 5.1, the current deadline  
10 for the United States to intervene is October 5, 2022.

11          6.     The United States has not yet decided whether to intervene in this  
12 action.

13          7.     The approval of the Solicitor General is required for the United  
14 States to intervene in an action to defend the constitutionality of a federal statute,  
15 *see* 28 C.F.R. § 0.21, and that approval process often takes several weeks.

16          8.     The United States requires additional time to decide whether to  
17 intervene due to the press of business for undersigned counsel—including an  
18 opposition to a motion to complete the administrative record due September 22,  
19 2022 in the matter of *Beasley v. Del Toro*, 22-cv-667 (D.D.C.) and an initial  
20 scheduling conference scheduled for September 22, 2022 and related obligations in  
21 the matter of *Kariye v. Mayorkas*, 22-cv-1916 (C.D. Cal.)—and because the process  
22 of determining whether to intervene takes several weeks.

23          9.     For these reasons, good cause exists to provide the United States  
24 with 30 additional days—until November 4, 2022—to decide whether to intervene  
25 for the limited purpose of defending the constitutionality of the VPPA.  
26  
27  
28

10. If the United States decides to intervene, it will be prepared to file its notice of intervention and accompanying memorandum in defense of the constitutionality of the statute by no later than November 4, 2022.

11. This is the first modification of the time for the United States to decide whether to intervene in this matter. Plaintiffs and Defendant have otherwise stipulated to the following modifications of time:

- i. Extending Defendant's time to respond to the complaint from June 21, 2022 to August 5, 2022, *see* ECF No. 13; and
- ii. Extending the briefing schedule for Defendant's motion to dismiss as follows, *see* ECF No. 26:

1. Continuing the deadline for Plaintiffs' response until September 9, 2022;
2. Continuing the deadline for Defendant's reply until September 30, 2022; and
3. Continuing the hearing until October 14, 2022.

12. This stipulated extension will not otherwise affect the deadlines in this matter.

13. This stipulated extension is requested for good cause, and is not intended to cause undue delay or otherwise prejudice any party.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Signed on September 16, 2022.

*/s/ Leslie Cooper Vigen*  
LESLIE COOPER VIGEN